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**From:** Hurlid, Kathy [Hurlid.Kathy@epa.gov]  
**Sent:** 7/7/2017 1:04:52 PM  
**To:** Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Connors, Sandra [Connors.Sandra@epa.gov]  
**CC:** Downing, Donna [Downing.Donna@epa.gov]  
**Subject:** Urgent updates For OW meeting at noon - 2nd bullet is most important  
**Attachments:** 404 Long Version final.pdf

CWA 404 Assumption

- Assumable Waters Subcommittee –
  - We finally have printed copies of the report! We will have some delivered to you so you can provide them to the Administrator.
  - Response to the report is for Mike's signature; would you just like us to forward the letter, or do you want a briefing on it for you and Lee? Briefing would include proposed direction.
- July 11, 2017 - Ken Wagner is meeting with Florida DEP's Sec. Valenstein and Dep. Sec. Bartlet. State has brought up 3 topics to discuss: 1) Human Health Criteria 2) 404 Permit procedure and 3) Overall State/EPA relationship.
  - FL has developed an issue paper on 404 raising several changes to state and federal statutes that would need to be amended (CWA and RHA) to enable the state to assume the program.
  - EPA, R4 and HQ, have communicated (via WDD Mary Walker and others) our willingness to assist the state. State has identified a few barriers to assumption and their "fixes." Some of the issues have been addressed by EPA (i.e., 2010 letter from Mike Shapiro to ECOS regarding ESA consultation – not needed on program approvals; Assumable Waters FACA should help with the scope of waters assumable).
  - R4 will be responding to Administrator's office saying they worked with FL in '93 and stand ready to do so again.
  - Background: FL was close to assuming the program in 93. State changed laws at last minute resulting in program inconsistencies with the act. State has not addressed the inconsistencies. Attached is letter on 404.

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**From:** Myers, Bryan  
**Sent:** Thursday, July 6, 2017 4:49 PM  
**To:** Walker, Mary <[walker.mary@epa.gov](mailto:walker.mary@epa.gov)>; Zapata, Cesar <[Zapata.Cesar@epa.gov](mailto:Zapata.Cesar@epa.gov)>  
**Cc:** Jenkins, Brandi <[Jenkins.Brandi@epa.gov](mailto:Jenkins.Brandi@epa.gov)>; Wise, Allison <[Wise.Allison@epa.gov](mailto:Wise.Allison@epa.gov)>  
**Subject:** Ken Wagner is meeting with FDEP

Mary/Cesar

Ken Wagner is meeting with Sec. Valenstein and Dep. Bartlet next week (July 11) and the State has brought up 3 topics to discuss for the short meeting. 1) Human Health Criteria 2) 404 Permit procedure and 3) Overall State/EPA relationship.

HQ has not asked us to provide anything, but we were going to send up the HHC Issue paper we did for budget hearing, which I have attached. Do you have a problem with that? I also am attaching a document the State provided to HQ for this meeting regarding the 404 permitting. Is there anything we as a region would like to add about the issue? I am thinking a paragraph at most, if anything, that I can just forward on. Would you all let me know by noon tomorrow? Sorry for the short notice, but we just found out about the meeting. Let me know if you need something.

Bryan M. Myers

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